

ESTTA Tracking number: **ESTTA586947**

Filing date: **02/12/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91213396
Party	Defendant JOHNSON & JOHNSON
Correspondence Address	Barbara A. Solomon Fross Zelnick Lehrman & Zissu 866 United Nations Plaza New York, NY 10017 UNITED STATES bsolomon@fzlz.com
Submission	Answer
Filer's Name	Barbara A. Solomon
Filer's e-mail	bsolomon@fzlz.com
Signature	/Barbara A. Solomon/
Date	02/12/2014
Attachments	Answer to Notice of Opposition (F1394630x96B9E).pdf(145938 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No.: 85/807,795

Mark: SIMPONI ARIA

Applicant: Johnson & Johnson

ARIAD PHARMACEUTICALS, INC.

Opposer,

v.

JOHNSON & JOHNSON,

Applicant,

Opposition No. 91/213,396

ANSWER TO NOTICE OF OPPOSITION

Applicant Johnson & Johnson (“J&J” or “Applicant”) for its response to the Notice of Opposition filed by Opposer Ariad Pharmaceuticals, Inc. (“Opposer” or “Ariad”), by and through its attorneys Fross Zelnick Lehrman & Zissu, states as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition and therefore denies the same.
4. Avers that the statements made in Paragraph 4 of the Notice of Opposition are not statements of fact that require a response and leave Opposer to its proof of rights.
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Notice of Opposition and therefore denies the same.

6. To the extent that the Notice of Opposition and, specifically, Paragraphs 5(a) and 5(b) contain an accurate recitation of the goods and services covered by Opposer's registrations and applications, admits the allegations contained in Paragraph 6 of the Notice of Opposition.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Admits that it adopted and filed an intent-to-use application to register the mark SIMPONI ARIA, Application Serial No. 85/807,795 for "human pharmaceutical preparation for treating inflammatory diseases and autoimmune diseases" in International Class 5, admits that the SIMPONI ARIA mark was published for opposition and denies knowledge or information sufficient to form a belief as to the truth of all remaining allegations contained in Paragraph 8 of the Notice of Opposition and therefore denies the same.

9. Admits that the filing date of J&J's Opposed Application is December 20, 2012 and otherwise denies knowledge or information sufficient to form a belief as to the truth of all remaining allegations contained in Paragraph 9 of the Notice of Opposition and therefore denies the same.

10. Denies the allegations contained in Paragraph 10 of the Notice of Opposition.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Notice of Opposition and therefore denies the same.

12. Denies the allegations contained in Paragraph 12 of the Notice of Opposition.

13. Denies the allegations contained in Paragraph 13 of the Notice of Opposition.

14. Denies the allegations contained in Paragraph 14 of the Notice of Opposition.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice, that judgment be entered in favor of Applicant, and that Application Serial No. 85/807,795 proceed to registration.

Dated: New York, New York
February 12, 2014

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 

Barbara Solomon
866 United Nations Plaza
New York, New York 10017
(212) 813-5900
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was served by First Class Mail postage prepaid on Opposer by serving a copy of the same on Opposer's counsel:

Paul C. Llewellyn
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

on this 12th day of February, 2014.



Barbara A. Solomon